IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14178 of 2008
ANIL KUMAR
Versus
THE STATE OF BIHAR THROUGH VIGILANCE
INVESTIGATION BUREAU, BIHAR.
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5 2.7.2008 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

Learned counsel for the petitioner has prayed for anticipatory bail as he has been made an accused in Vigilance P. S. Case No. 4 of 1995 which has given rise to Special Case No.4 of 1995/15 of 2003.

At the out set it is submitted that on 31.8.1995 the anticipatory bail prayed for by the petitioner was dismissed. The reason that he has approached this High Court now is because according to him he was never wanted by the vigilance. He has appeared before the I.O. on many occasions but since he was not taken into custody therefore he has enjoyed his freedom of movement unrestrained. It is also his contention that in the chargesheeet he has not been shown as absconder but now that chargesheet has already been submitted and warrant of arrest has been issued he is back before this Court for grant of anticipatory bail.

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The reason stated above on behalf of the petitioner may not be good enough for this Court to reconsider enlarging him on anticipatory bail but this could be a good reason for the trial court to consider his regular bail application since the petitioner

states that he is not a fugitive from law as claimed by him. Not only this learned counsel appearing on behalf of the petitioner submits that irrespective of the trial which he may face for the purpose of bail he is willing to deposit a sum of Rs. 97,850/- which is the amount embezzled or misappropriated as alleged in the chargesheet against him.

The anticipatory bail application is dismissed with liberty to the petitioner to point out the above facts to the trial court and the trial court after verifying the submission may consider enlarging the petitioner on regular bail, if it comes to the opinion that what has been stated above is otherwise correct.

RPS (Ajay Kumar Tripathi,J.)

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